



MINUTES
AUGUST 20, 2008

Chairman Finaldi asked Mr. Blaszkowski to take Mr. Manuel's place for the items on tonight's agenda. He then said they had received the minutes from the following meetings: April 2, 2008, April 16, 2008, May 7, 2008 & May 21, 2008. Mr. Urice made a motion to accept all of these minutes. Mr. Keller seconded the motion and it was passed unanimously. Chairman Finaldi also noted for the record that Associate Planner Jennifer Emminger was not present this evening because she sprained her ankle yesterday.

Mr. Keller read the legal notice. Attorney Fran Collins described the site saying the applicants live in the existing house located in the front of the parcel. They access their property from Fox Den Rd. and it is served by septic and well. They are proposing to create a new lot in the rear portion of the site. This new parcel would be accessed from Cushing Dr. and would be served by City water. The staff report points out that an accessway was approved from Cushing Dr. in 1975, which was prior to the regulation that limits the number of units that can be served by an accessway. Paul Fagan of Surveying Associates then described the history of this area. He showed them TC Map #8266, which is the five lot subdivision including the subject parcel and the two lots on each side of it. He then showed the TC Map #3467, which is the 1964 Dancon subdivision which includes Cushing Dr. He reiterated that this was approved prior to the regulation which limits the number of houses to 20. He said the proposed lot would be served by the same accessway (off of Cushing Dr.) that serves the Davito property.

Mark Kornhaas, Artel Engineering, said he prepared the feasibility map for the septic system. He said the adjoining property is higher in elevation, so it drains on to subject property. He said they plan to improve the existing drainage on the Davito property. This is not an environmentally sensitive area; there are no wetlands on property or within 100 ft., although it is located in a watershed area. He added that the perc test was done with the Health Dept. on the site. He said staking the property is really not necessary, this lot is very evident. In response to the Staff comment about retaining the foliage areas after construction, there would be limited disturbance and they will be respectful of the neighborhood. There should be no runoff from the driveway as it drains right onto the subject property. They do not feel additional buffers are necessary since these are like uses and there is significant area between the houses. He said they will show the driveways on the adjacent properties on the revised plan. Highway Dept. has requested a catch basin be installed but it would have to be located on private property

Mrs. Calitro read letters in opposition from Frank Davito, 25 Cushing Dr. and Brian Lund, 20 Cushing Dr. Both expressed concern over the impact this would have on the existing wells and septic systems.

Mr. Kornhaas said they did locate the well and septic on the proposed plan and there is a significant distance between them. He added that the Davito property actually drains on to the subject property and suggested Mr. Lund talk to the Highway Dept. about his drainage problem. Mr. Keller asked about proximity of driveways and said there should be no interference between them; the driveways should be kept separate. Mr. Keller added that it is extremely important in these kinds of situations to hold onto the rural setting by keeping the trees. Mr. Kornhaas said it is really up to the property owner to determine how many trees are taken out. Mr. Keller asked how many houses are on Cushing Dr. Attorney Collins said there were 23 that were part of the original subdivision, and then the Davito property which uses the same accessway off of Cushing Dr. that the owners of this new lot will use. Mrs. Calitro read the report from the Highway Dept. which was received late this afternoon. Attorney Collins said they are still waiting for several departmental reports.

Chairman Finaldi asked if there was anyone to speak in opposition and one person came forward.

Dr. Thomas Nero said he owns the property adjacent to where the new lot will be. He said he is concerned about the elevation of proposed septic field and the possible impact on his property. He said when he bought his property in 1986; he was told that this lot was undevelopable. He said he has tree line and runoff issues with this proposal. He questioned exactly what being "respectful" of the neighbors' means; is this written somewhere, is it enforced. Chairman Finaldi said the Commission can condition their approvals to require a buffer. Mr. Keller asked if there is any rock that has to be blasted away that might affect neighboring wells. Mr. Kornhaas said he is not aware of any at this time, but of course there could be. He added that the proposed septic system is an adequate distance from Mr. Nero's well. They are not changing anything about the way that this property drains with respect to Mr. Nero's property. Mr. Urice and Mr. Keller both said that may be the case but once you start removing trees that changes things. Mr. Kornhaas did not respond. Mrs. Calitro then said the engineering report said there is some ledge depending on where the actual house is placed.

Chairman Finaldi said they had received a draft resolution for this. He said this is pretty straightforward stuff and then asked Mr. Cerminara to take Mr. Deeb's place for the vote on this matter as Mr. Deeb is not eligible. Mr. Urice made a motion to approve this per the resolution dated August 15th. Mr. Keller seconded the motion and it was passed unanimously.

[illegible]

Sugar Hollow Road Assoc. LLC – Application for Special Exception to allow uses (Retail, Restaurants & Drive-thru Bank) generating in excess of 500 vehicle trips per day in the CG-20 Zone, "The Shops at Marcus Dairy", 3 Sugar Hollow Rd. (#G17002 & #G17019) – SE #663. *Public hearing closed 8/6/08 – 65 days will be up 10/9/08.*

Mr. Urice made a motion to table this matter. Mr. Blaszkowski seconded the motion and it was passed unanimously.

[illegible]

Interstate Business Center, LLC – Application for Special Exception/Revised Site Plan to allow Hotel, Professional Office Space & Restaurant (“Prindle Lane Centre”) generating in excess of 500 vehicle trips per day in the CA-80 Zone, Prindle La. (#D14001) – SE #603. *Public hearing closed 8/6/08 – 65 days will be up 10/9/08.*

Mr. Urice made a motion to table this matter. Mr. Blaszkowski seconded the motion and it was passed unanimously.

[illegible]

Fuel Cell Manufacturing Inc. – Application for Revised Floodplain Permit – Fuel Cell Manufacturing, 3 Great Pasture Road (#K16156) – SP #98-01.

Mrs. Calitro noted that Mrs. Emminger had sent the Commission a resolution for the approval of this permit. Mr. Urice made a motion to approve this per the resolution. Mr. Blaszkowski seconded the motion and it was passed unanimously.

[illegible]

NEW BUSINESS:

Alliance Energy Corp. – Application for Special Exception for Gasoline Service Station/Convenience Store (“Alliance Energy Gasoline Station & Convenience Store”) in the CA-80 Zone – 111 Mill Plain Rd. (#C14068) – SE #676. *Public hearing scheduled for October 1, 2008.*

Chairman Finaldi said this application would be on file in the Planning & Zoning Office.

[illegible]

REFERRALS:

8-3a Referral – Petition of Perch LLC, 116, 118 & 122 Coalpit Hill Rd. (#K17014, #K17013/1 & 2, & #K17012) for Change of Zone from RMF-10 to IL-40. Zoning Commission public hearing scheduled for August 26, 2008

Mrs. Calitro explained that this petition is an effort to reverse a previous rezoning because of alleged procedural errors encountered in that process. Attorney Fran Collins is representing Perch LLC in this matter. The subject properties were re-zoned by the Zoning Commission on August 14, 2007 from IL-40 to RMF-10. The petition was filed by one of the three property owners. Although it listed Perch LLC as one of the applicants, they never agreed to or requested to be included. They never received notice of the proposed zone change or the public hearing on the application. At the public hearing, it was represented that they had been contacted and had not responded. Additionally they were not on the list of adjacent property owners. Perch is now representing that they were never notified and they do not want this zone change as it would make their office condominiums non-conforming. Both the CT General Statutes and the Zoning Regs. specifically require written notice be given in this situation. Attorney Collins has stated that because this was not done, the original zone change would be declared null and void by a court. But rather than pursue this in court, they submitted this petition to request that the Zoning Commission return the property to the IL-40 Zone as it was. Mrs. Calitro said there is no written record in the previous file, that Perch, LLC was notified of the pending rezoning application or that they notified this office of their position on the petition. She said the Planning Director states in the staff report that this is an extremely rare occurrence and does not reflect on the validity of issues raised with the original petition. It is solely an effort to cure a procedural error. Mr. Urice made a motion to give this a positive recommendation for the following reason:

- Reversing the zone change seems to be a reasonable solution to this unusual situation.

Mr. Blaszkowski seconded the motion and it was passed unanimously.

[illegible]

8-3a Referral – Petition of MBD Realty LLC, 98 Federal Rd. (#K11069) for Change of Zone from IL-40 to CG-20. Zoning Commission public hearing scheduled for September 9, 2008.

Mrs. Calitro said this is a request to rezone a small parcel of land which is currently being used in for parking vehicles in conjunction with an adjacent Mercedes Benz dealership. The parcel borders on both Federal Rd. and Swanson Ave. with the front wedged between two CG-20 zones. This rezoning would connect the two adjacent CG-20 zones. She then said although the Plan of Conservation & Development indicates this should be used for industrial purposes, it is currently being used commercially. Also it is such a small parcel, that this rezoning would have a negligible effect on the amount of industrial land left in the City. Finally she said that because parking is not permitted in CG-20, they would have to combine this lot with another to be allowed to continue the existing use. They also will need site plan approval. Mr. Urice then made a motion to give this a negative recommendation for the following reason:

- There has been no good reason stated to change this.

Mr. Keller seconded the motion and it was passed with three AYES (from Mr. Deeb, Mr. Keller and Mr. Urice) and two NAYS (from Mr. Blaszkowski and Chairman Finaldi).

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